

SUPPRESSED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN KENNETH SIMS,

Defendant.

Criminal No. 17-40042-JPG

Title 18, United States Code,
Sections 922(a)(1)(A), 922(g)(3),
924(a), and 1001(a)(2)

Title 28, United States Code,
Section 2461(c)

FILED

JUL 12 2017

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

Engaging in the Business Without a License (Firearms)

From on or about April 24, 2014, to on or about August 1, 2016, in Williamson County, Illinois, within the Southern District of Illinois, and elsewhere,

AUSTIN KENNETH SIMS,

defendant, not being a licensed dealer of firearms within the meaning of Chapter 44 in Title 18, United States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT 2

Prohibited Person (Drug User) in Possession of a Firearm

On or about April 29, 2016, in Williamson County, Illinois, within the Southern District of Illinois, and elsewhere,

AUSTIN KENNETH SIMS,

defendant, then being an unlawful user of a controlled substance as defined in Title 21, United States Code, Section 802, did knowingly possess, in and affecting interstate or foreign commerce, a firearm, that is, one Romarm/Cugir, Model Draco, 7.62-caliber pistol with serial number DA-9259-15, in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT 3

False Statement Made to an Agency of the United States

On or about August 4, 2016, in Marion, Williamson County, Illinois, within the Southern District of Illinois, and elsewhere,

AUSTIN KENNETH SIMS,

did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, by making numerous false statements to ATF agents regarding the number of firearms sold, the individuals to whom the firearms were sold, and his past and ongoing abuse of controlled substances, at the Marion Illinois Police Department. The statements were false because, as Sims then and there knew, he had sold more firearms, to more individuals, and had been abusing controlled substances for a longer period and in greater amounts than he had previously stated to the agents, in violation of Title 18, United States Code Section 1001(a)(2).

**FORFEITURE OF FIREARMS AND AMMUNITION ALLEGATION
FOR COUNTS 1 AND 2**

Upon conviction of the offense alleged in Counts 1 and/or 2 of this Indictment, the defendant,

AUSTIN KENNETH SIMS,

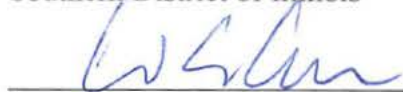
shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms, magazines and ammunition involved or used in any knowing violation of the offenses described in Counts 1 and/or 2 of this Indictment, including but not limited to the following:

<i>Manufacturer</i>	<i>Model</i>	<i>Caliber</i>	<i>Type</i>	<i>Serial No.</i>
Tanfoglio, F.LLI S.N.C.	Witness	9mm	Pistol	MT13860
Charter Arms	Undercover	38	Revolver	14-24765
TNW	ASR	9mm	Rifle	L1120
Romarm/Cugir	Draco	7.62	Pistol	DA-9259-15
Glock GmBH	26	9mm	Pistol	BBTR046
Llama	1911	9mm	Pistol	B29319
Smith & Wesson	4006	40	Pistol	TZN8696

A TRUE BILL



DONALD S. BOYCE
United States Attorney
Southern District of Illinois



WILLIAM E. COONAN
Assistant United States Attorney

FOREPERSON

Bond Recommendation: Detention